

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION

SHELBY BRYAN MARTIN

PLAINTIFF

V.

CASE NO. 3:19-CV-03025

JARED POYNER, Guard,  
Boone County Detention Center

DEFENDANT

OPINION AND ORDER

This is a civil rights action filed by the Plaintiff pursuant to 42 U.S.C. § 1983. Plaintiff proceeds *pro se*. Plaintiff is incarcerated in the Boone County Detention Center.

By Order (Doc. 4) entered on April 4, 2019, Plaintiff was directed to submit a completed *in forma pauperis* ("IFP") application. The IFP application was due by April 22, 2019. Plaintiff was advised that failure to comply with the Order "shall result" in the dismissal of the case.

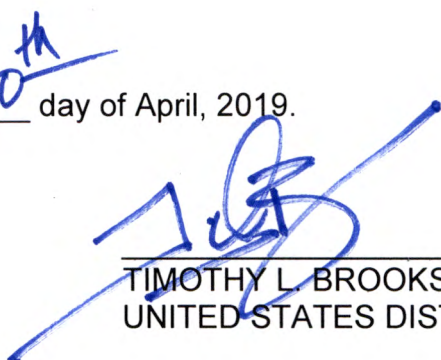
To date, Plaintiff has not filed the completed IFP application. Plaintiff has not sought an extension of time to comply with the Order. No mail has been returned as undeliverable.

The Federal Rules of Civil Procedure specifically contemplate dismissal of a case on the ground that the plaintiff failed to prosecute or failed to comply with the order of the court. Fed. R. Civ. P. 41(b); *Line v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (stating that the district court possesses the power to dismiss *sua sponte* under Rule 41(b)). Pursuant to Rule 41(b), a district court has the power to dismiss an action based on "the plaintiff's failure to comply with *any* court order." *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (emphasis added). Additionally, Rule 5.5(c)(2) of the Local Rules

for the Eastern and Western Districts of Arkansas requires parties appearing *pro se* to monitor the case, and to prosecute or defend the action diligently.

Therefore, pursuant to Rule 41(b), this Complaint should be and hereby is **DISMISSED WITHOUT PREJUDICE** based on Plaintiff's failure to prosecute this case, his failure to obey the order of the Court, and his failure to comply with Local Rule 5.5(c)(2). Fed. R. Civ. P. 41(b).

IT IS SO ORDERED on this 30<sup>th</sup> day of April, 2019.



TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE